

Board of Adjustment  
PO Box 120  
Town of Fremont, New Hampshire 03044  
Minutes of April 25, 2006  
Approved May 23, 2006

Members present: Chairman Rick Butler, Co-chairman, Jack Baker, Doug Andrew, Brett Hunter, Scott Boisvert and recording Secretary Meredith Bolduc.

Mr. Butler called the meeting to order at 7:30 p.m. then called the roll.

Case # 06-003  
ERIN MICHAUD  
MAP 2 LOT 156.1-21

Present: Applicant Jim Michaud, Paul Blanc with Jones & Beach Engineering

Mr. Butler opened this Public Hearing at 7:30 p.m. and stated that this is a continuation of the March 14, 2006 portion of this Public Hearing which was continued to April 18, 2006. The Hearing was subsequently continued to April 25, 2006 due to a lack of a ZBA Member quorum on April 18, 2006.

Mr. Butler stated that Mr. Michaud is seeking a Special Exception from Article IX Section H to allow the construction of a driveway crossing a wetland at his property at 55 Andreski Drive, proposed Map 2 Lot 156.1-21-A.

The Board reviewed plan # 05085 drawn by Jones & Beach Engineers, Inc. and dated October 26, 2005 with revisions on March 15 and April 20, 2006. Mr. Blanc stated that the plan has been changed as a result of the Conservation Commission concerns relative to a well placement close to wetlands. This revised plan submitted showed the 2 lot subdivision of the 5.01 acre property leaving 2.50 acres with the original lot 2-156.1-21 and creating a new 2.51 acre lot. The previous plan showed the original lot to be 3.01 acres and the new lot to be 2.00 acres. Notes on the plan state the intent as 2 single family residential lots with onsite water and septic, property not located within Federally Designated Flood Hazard Zone and the total proposed jurisdictional wetland impact area is 170 square feet. The plan included Erosion and Sediment Control notes. There is no NHDES Wastewater Discharge Permit.

Mr. Butler reported that, as duly noticed, a site visit with Mr. Butler, Mr. Boisvert, Mr. Andrew and Mr. Michaud was conducted on March 25, 2006 and it was found that the culvert should be shown on the plans as to size and to check on working in the watershed protection area for the well.

Mr. Blanc stated that the culvert at the wetland/watershed protection area will be 15”.

He also stated that this plan shows the house closer to the lot line setbacks than the original plan submitted, they dug a new test pit (#3) in order to move the 4K area and moved the lot line to increase the proposed new lot to 2.5 acres. The driveway is approximately 330’ long, which prompted a short discussion relative to the new driveway regulations and the need for a turn-around. It was noted that the proposed driveway location did not change as a result of the plan change. Mr. Butler reiterated the Fire Chief’s comment that he had no comment to the length of the driveway as long as it will support an emergency vehicle.

After some discussion the Board determined that the exception is allowed by the ordinance and there are specific conditions present under which the exception may be granted.

After careful review by the Board, Mr. Hunter made the motion that, based on the information presented, and on the Boards determination that the exception is allowed by the ordinance and the conditions under which the exception may be granted have been met, the Board grant the Special Exception as requested by Erin K. Michaud, to allow the construction of a driveway and associated site grading crossing a wetland shown at proposed Map 2 Lot 156.1-21-A. Granting of this Special Exception is pursuant to plan # 05085 drawn by Jones & Beach Engineers, Inc. and dated October 26, 2005 with revisions on March 15 and April 20, 2006, as presented, and with the following conditions:

1. That no more than one hundred and seventy (170) square feet of the wetland buffer in the Wetland and Watershed Protection District is impacted.
2. That the contractor keeps the silt fence in good repair to ensure that no damage is done to the wetland and wetland buffer during construction of the project.

Motion seconded by Mr. Andrew with unanimous favorable vote.

The applicant was instructed that there is a 30 day appeal period and that this decision will be recorded at the Rockingham Registrar of Deeds.

Mr. Hunter made the motion to close this Public Hearing at 7:55 p.m.

Motion seconded by Mr. Andrew with unanimous favorable vote.

Case # 06-005  
ERIN MICHAUD  
MAP 2 LOT 156.1-21

Present: Owner/Applicant Jim Michaud, Paul Blanc with Jones & Beach Engineering

Mr. Butler opened this Public Hearing at 8:00 p.m. and stated that this is a continuation of the April 18, 2006 portion of this Public Hearing, which was continued to April 25, 2006 due to a lack of a ZBA Member quorum on April 18, 2006.

Mr. Butler read the Public Notice of the Hearing as follows:

*In accordance with NH RSA 675: 7, you are hereby notified that the Fremont Zoning Board of Adjustment will hold a Public Hearing at 8:30 pm on April 18, 2006 at the Fremont Town Hall, as requested by Jones & Beach, Inc. Erin K. Michaud, 55 Andreski Drive, Map 2 Lot 156.1-21, Fremont NH.*

*The applicant is seeking a Special Exception from Article IX Section H-2 of the Fremont Zoning Ordinance to allow the placement of a well with associated drainage closer than the allowed one hundred (100') feet to a wetlands/watershed protection area.*

It was noted that this hearing was noticed on April 3, 2006 at the Fremont Post Office and Fremont Town Hall and in the April 7, 2006 edition of the Rockingham News. The applicant and all abutters were notified via certified mail on April 1, 2006 and all returns have been received except for abutter Glen Oakes. The application package included: 6 copies of the drawn plan, proper check amount and a current list of abutters.

Mr. Butler explained the purpose of the Board and the procedure for a Special Exception and read Article IX Section H of the Fremont Zoning Ordinance.

The Board received letters of referral from the Planning Board, Conservation Commission, Health Officer and Building Official.

Mr. Butler reported that, as noticed, a site visit with Mr. Butler, Mr. Boisvert, Mr. Andrew and Mr. Michaud was conducted on March 25, 2006 and it was found that the culvert should be shown on the plans as to size and to check on working in the watershed protection area for the well.

The Board reviewed plan # 05085 drawn by Jones & Beach Engineers, Inc. and dated October 26, 2005 with revisions on March 15 and April 20, 2006. Mr. Blanc stated that the plan has been changed as a result of the Conservation Commission concerns relative to a well placement close to wetlands. This revised plan submitted showed the 2 lot subdivision of the 5.01 acre property leaving 2.50 acres with the original lot 2-156.1-21 and creating a new 2.51 acre lot. The previous plan showed the original lot to be 3.01 acres and the new lot to be 2.00 acres. Notes on the plan state the intent as 2 single family residential lots with onsite water and septic, property not located within Federally Designated Flood Hazard Zone and the total proposed jurisdictional wetland impact area is 170 square feet. The plan included Erosion and Sediment Control notes. There is no NHDES Wastewater Discharge Permit.

The Board received the minutes of the April 3, 2006 Conservation Commission meeting which stated "After careful review and consideration it was the consensus of the Members that they are against digging the proposed well 10' from the wetland as shown on the plan and recommend re-orientating the septic area to lie parallel to the back lot line to allow the well to be located approximately 30' farther away from the wetland, or reconfiguring the lot line. The consensus is noted in their comment sheet and letter of referral. Mr. Blanc noted that this plan has been revised as suggested by the Conservation Commission.

This revised plan shows the well to be 31' from the wetland. The original plan showed the well to be approximately 10' from the wetland and Mr. Blanc stated that as the result of the revised lot lines as shown, the wetland encroachment will be no closer than 31'.

Other comment sheets received were as follows with comments in italics:

Fire Chief: *Have no comment on this.*

Health Officer: *No problem with these plans*

Code Enforcement Officer: *No issue – OK as a practical matter for location of wellhead.*

The Board reviewed an April 4, 2006 report from Richard Bond, CSS, CWS, Rockingham County Conservation District recommending approval of the request for Special Exception to impact a portion of the wetland buffer in the Wetland and Watershed Protection District to drill a well for residential use at the Map 2 Lot 156.1-21. Mr. Bond stated in his report that it is “important that the contractor keep the silt fence in good repair to ensure that no damage is done to the wetland and wetland buffer during construction of the project”.

(see all correspondences in file)

After some discussion the Board determined that the exception is allowed by the ordinance and there are specific conditions present under which the exception may be granted.

After careful review by the Board, Mr. Hunter made the motion that, based on the information presented and on the Board's determination that the exception is allowed by the ordinance and the specific conditions under which the exception may be granted have been met, the Board grant the Special Exception as requested by Erin K. Michaud to allow the placement of a well with associated drainage shown at proposed Map 2 Lot 156.1-21-A, closer than the allowed one hundred (100') feet to a wetlands/watershed protection area. Granting of this Special Exception is pursuant plan # 05080 drawn by Jones & Beach Engineers, Inc. and dated October 26, 2005 with revisions on March 15 and April 20, 2006, as presented, and with the following conditions:

1. That no portion of the placement of the well or associated drainage be closer than thirty one (31) feet to a wetlands/watershed protection area.
2. That the contractor keeps the silt fence in good repair to ensure that no damage is done to the wetland and wetland buffer during construction of the project.

Motion seconded by Mr. Boisvert with unanimous favorable vote.

The applicant was instructed that there is a 30 day appeal period and that this decision will be recorded at the Rockingham Registrar of Deeds.

Mr. Hunter made the motion to close this Public Hearing at 8:20 p.m.

Motion seconded by Mr. Andrew with unanimous favorable vote.

Case #06-006  
SHAWN & KIM SENTER  
MAP 3 LOT 169-59-18

Present: Owner/Applicant Shawn Senter and Catherine Ladd with RSL Layout & Design

Mr. Butler opened this Public Hearing at 8:45 p.m. and stated that this is a continuation of the April 18, 2006 portion of this Public Hearing, which was continued to April 25, 2006 due to a lack of a ZBA Member quorum on

April 18, 2006.

Mr. Butler read the Public Notice of the Hearing as follows:

*In accordance with NH RSA 675: 7, you are hereby notified that the Fremont Zoning Board of Adjustment will hold a Public Hearing at 7:45 pm on April 18, 2006 at the Fremont Town Hall, as requested by Shawn & Kim Senter, 145 Whittier Drive, Map 3 Lot 169-59-18, Fremont NH.*

*The applicant is seeking a Special Exception from Article IX Section H of the Fremont Zoning Ordinances to allow the construction of a roadway closer than one hundred (100') feet from a wetland/watershed protection area.*

It was noted that this hearing was noticed on March 31, 2006 at the Fremont Post Office and Fremont Town Hall and in the March 31, 2006 edition of the Rockingham News. The applicant and all abutters were notified via certified mail on March 31, 2006 and all returns have been received. The application package included: 6 copies of the drawn plan, proper check amount and a current list of abutters.

Mr. Butler explained the purpose of the Board and the procedure for a Special Exception and read Article IX Section H of the Fremont Zoning Ordinance.

Mr. Andrew reported that on April 22, 2006 he and Mr. Boisvert met with Mr. Senter and Mr. Karcz at the site for a duly noticed site walk and found that the proposed road would be closer than 100' to the wetland. He added that it is a nice piece of property, the wetlands were clearly marked, but not noticeable without the markings, had no standing water.

Comment sheets received were as follows with comments in italics:

Fire Chief: *Have no comment on the roadway distance to wetland.*

Health Officer: *No problem with these plans*

Code Enforcement Officer: *appears as though this is an appropriate request. Adjustments have been made to lot lines and driveways to avoid needs for additional exceptions. Minor amount of disturbance.*

Conservation Commission: *The Plan # 1347GPS dated February 3, 2006 shows the bottom of the 4 to 1 slope from the edge of the road to be within 25 feet of the wetlands. The Conservation Commission finds this proposal acceptable if the silt fences are maintained during construction and the slope is seeded and there is no alteration of the plan.*

The Board received letters of referral from the Planning Board, Conservation Commission, Health Officer and Building Official, but did not receive a report from Richard Bond, CSS, CWS, Rockingham County Conservation District, as per Article IX Section H-3. The Board reviewed plan # 1347GPS drawn by RSL Layout & Design and dated January 27, 2006 with a March 15, 2006 revision. This plan showed the proposed 4 lot subdivision as well as the roadway with the wetland locations. Mr. Senter showed that the roadway to wetland distances would be approximately 25' at the bottom of the 4 to 1 slope and 50' from the pavement. Mr. Senter stated that the right-of-way at the westerly property line will no longer exist as it is going to be sold to the abutting property and a lot-line-adjustment be done.

After some discussion the Board determined that the exception is allowed by the ordinance and there are specific conditions present under which the exception may be granted, but that the report from Richard Bond, CSS, CWS, Rockingham County Conservation District is required, as per Article IX Section H-3. There was a discussion of whether to continue until the Board received Mr. Bond's report and it was agreed that a conditional approval could

be issued.

After careful consideration by the Board, Mr. Boisvert made the motion that, based on the information presented and on the Board's determination that the exception is allowed by the ordinance and the specific conditions under which the exception may be granted have been met, the Board grant the Special Exception as requested by Shawn & Kim Senter to allow the construction of a roadway at Map 3 Lot 169-59-18 closer than one hundred (100') feet from a wetland area. Granting of this Special Exception is pursuant to plan #1347GPS drawn by RSL Layout & Design dated January 27, 2006 with a March 15, 2006 revision, and with the following conditions:

1. That no portion of the roadway be closer than twenty five (25) feet to the flagged wetlands.
2. The receipt of a favorable report from Richard Bond, CSS, CWS, with Rockingham County Conservation District within forty five (45) days of this date.

Motion seconded by Mr. Hunter with unanimous favorable vote.

The applicant was instructed that there is a 30 day appeal period and that this decision will be recorded at the Rockingham Registrar of Deeds.

Mr. Hunter made the motion to close this Public Hearing at 9:15 p.m.

Motion seconded by Mr. Andrew with unanimous favorable vote.

#### MINUTES

Mr. Hunter made the motion to accept the minutes of the April 11, 2006 meeting as written. Motion seconded by Mr. Boisvert with unanimous favorable vote except for Mr. Butler who abstained as he was not present at that meeting.

#### RECORDING DECISIONS

There was a discussion relative to recording Zoning Board of Adjustment decisions at the Registrar of Deeds. Mrs. Bolduc noted that in November of 2003 the ZBA recommended to the Selectmen that a recording fee be added to the ZBA fee schedule. She suggested that all applicants be required to supply a copy of the deed to the subject property, including the book and page number so that all recorded decisions can be referenced to the proper book and page numbers of the deed.

#### MEETINGS

The time of the meetings was briefly discussed and it was generally agreed that 7:30 pm would work better for some members so the ZBA will go back to meeting at that time.

Mr. Boisvert made the motion to adjourn 9:40 p.m.

Motion seconded by Mr. Andrew with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Clerk